



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/625,417 Confirmation No. 9172  
Applicant : James D. Wells, Jr.  
Filed : July 23, 2003  
Title: : BALLISTIC PROTECTION APPARATUS  
TC/Art Unit : 3765  
Examiner : Rodney M. Lindsey  
  
Docket No. : WEJ-P002-01  
(previously 13547-0007)  
Customer No. : 27268

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Sir:

In response to the Office Action of February 10, 2005 ("Office Action"), and following the telephonic interview of April 5, 2005, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Drawings** begin on page 6 of this paper, and include an attached replacement sheet.

**Remarks** begin on page 7 of this paper.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address indicated above.

Date: April 11, 2005

By:

D. Cwiklinski

Typed/Printed Name of Person Signing Certificate

## REMARKS

Reconsideration and reversal of the rejections presented in the Office Action dated February 10, 2005 are respectfully requested in light of the following.

The Examiner is thanked for all of the courtesies extended to the undersigned during the telephonic interview of April 5, 2005. During this interview, independent claims 1, 15, and 21 were discussed, along with U.S. Patent No. 2,009,325 to Sachs (hereinafter "Sachs") and U.S. Patent No. 3,908,571 to Motsenbocker (hereinafter "Motsenbocker").

Interview  
OK  
RZ  
5/2/05

During the aforementioned interview, the Examiner agreed that the current amendments as presented would overcome the outstanding objections to the drawings and the specification. More particularly, new Figs. 6A and 6B are provided to show a cut-away of an illustrative embodiment vest, and a cut-away of an illustrative embodiment flexible armor member. Paragraphs [0024.1], [0024.2] and [0040] of the specification have been amended to include language describing Figs. 6A and 6B.

In the aforementioned Office Action, the Examiner has rejected claims 1-6 and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Sachs.

During the telephonic interview of April 5, 2005, an agreement was reached with respect to amended independent claims 1 and 15. More particularly, the Examiner agreed that claims 1 and 15 as currently amended distinguishes over Sachs. As such, it is respectfully submitted that claims 1 and 15, and the claims dependent therefrom, are in condition for allowance.

Claims 21, 22 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sachs in view of Motsenbocker.

As discussed during the aforementioned telephonic interview, the applicant respectively submits that there is simply no teaching or suggestion in Motsenbocker that would motivate one of ordinary in the art to modify Sachs and arrive at the present invention as recited in independent claim 21. More particularly, the round braids or cord edges 4 and 5 disclosed in Sachs are provided to give an edge finish to the belt body A. In fact, these braids 4 and 5 are preferably contrasted in color with the other colors of the belt body A in order to provide an aesthetically pleasing appearance. Further, it is understood that the belt body A may be edged for ornamental and strengthening purposes and that the belt thereby readily reversible in use. Since the braids 4 and 5 in Sachs are intended to be viewed and provide an aesthetically pleasing appearance, there is no teaching or suggestion to provide a protective cover of the type shown in